

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-6598-2015

Date of decision: 6.10.2015

Manjit Singh

...Petitioner

Versus

Gurmeet Kaur

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Rajbir Singh, Advocate for the petitioner

SNEH PRASHAR, J.

By filing the present revision petition under Article 227 of the Constitution of India, the petitioner prayed for setting aside the order dated 24.9.2015 passed by learned District Judge, Ropar vide which, his evidence was closed by order.

The marriage of petitioner and respondent took place on 5.1.2000. Out of the wedlock three daughters were born. Due to marital discord, they are living separately. The petitioner filed a petition under Section 13 of the Hindu Marriage Act for dissolution of his marriage with the respondent by a decree of divorce on the ground that he was being treated with cruelty.

Denying all allegations of the petitioner, the respondent-wife contested the petition. On the rival contentions of

the parties issues were framed on 1.7.2015 and the case was adjourned to 14.7.2015 for evidence of the petitioner. Despite numerous opportunities availed by him, he could produce no and ultimately his evidence was closed vide order dated 24.9.2015.

The submissions made by learned counsel for the petitioner have been heard.

Learned counsel for the petitioner submitted that on 24.9.2015 two witnesses of the petitioner namely Nirmaljit Singh and Shamsher Singh were present in the court. Their affidavits containing examination of chief were got prepared but they could not be examined, as the trial court closed his evidence by order. Photocopies of the affidavits of the said witnesses attested on the same date are appended with the petition as Annexures P-3 and 4. Submitting that non examination of the said witnesses will cause an irreparable loss to the petitioner, learned counsel prayed that one last opportunity be given to him to lead his entire evidence.

Considering the submissions made and without going into the merits of the case, I feel it shall be expedient and in the interest of justice that one effective opportunity is given to the petitioner for leading his evidence. The examination of the witnesses will help the trial Court to better appreciate the issues involved and render substantial justice to the parties.

Accordingly, the present petition is allowed. The impugned order dated 24.9.2015 is set aside and the learned trial Court is directed to grant one effective opportunity to the petitioner to produce his entire evidence at his own risk and responsibility subject to deposit of Rs.3000/- as costs with the District legal Services Authority, Ropar.

It is made clear that if the petitioner fails to produce his entire evidence on the date so fixed by learned Trial Court, no further opportunity shall be granted to him.

6.10.2015
gsv

(SNEH PRASHAR)
JUDGE